

STATE • INDIANA



INDIANA UTILITY REGULATORY COMMISSION
302 W. WASHINGTON STREET, SUITE E-306
INDIANAPOLIS, INDIANA 46204-2764

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**VERIFIED PETITION OF THE BOARD OF)
COMMISSIONERS OF BOONE COUNTY,)
INDIANA, TO REVOKE THE CERTIFICATE)
OF TERRITORIAL AUTHORITY ISSUED TO)
BOONE COUNTY UTILITIES, LLC, A)
CONTINUATION OF THE COMMISSION'S)
INVESTIGATION INITIATED JUNE 5, 2003,)
PURSUANT TO I.C. 8-1-30 ET SEQ. AS SET)
FORTH IN THE COMMISSION'S ORDER)
OF JUNE 5, 2002, AND INTERIM ORDER)
OF MARCH 12, 2003)**

FILED

FEB 16 2004

INDIANA UTILITY
REGULATORY COMMISSION

CAUSE NO. 42131

You are hereby notified that, on this date, the Indiana Utility Regulatory Commission has caused the following entry to be made:

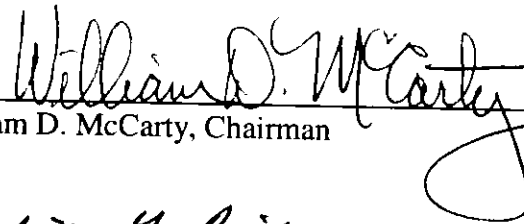
On February 2, 2004, the Office of the Utility Consumer Counselor ("OUCC"), in its capacity as statutory representative of the Public, filed its Request for Public Field Hearing, seeking a Field Hearing on the above matter to permit members of the public to express their positions with regard to the proposed sale or transfer of Boone County Utilities ("BCU") to one of four proposed buyers. Thereafter, on February 3, 2004, the Presiding Officers, acting out of concern for the time constraints imposed by the expedited schedule established by the Commission in this Cause, granted the Public's Request and directed that a Public Field Hearing should be conducted at 6:00 p.m. Tuesday, February 17, 2004, in Zionsville Community High School, 1000 Mulberry Street, Zionsville, Indiana.

On February 11, 2004, Boone County Utilities filed its Objection to Field Hearing and Appeal to the Full Commission, wherein BCU asserted that the prompt action by the Presiding Officers had the effect of denying BCU its opportunity to respond and be heard on its objection to the holding of the Field Hearing as requested by the Public. BCU further asserted that, "... the technical accounting nature of the proposals make it even less likely that the comments received from a public field hearing will be of assistance to any tribunal that has jurisdiction over the sale of BCU."

The Presiding Officers note that BCU has stated sufficient cause to set aside the Field Hearing presently scheduled for February 17, 2004, pending a determination by the full Commission as to the merits of the Utilities' appeal.

Therefore, the Presiding Officers direct that the Field Hearing presently scheduled for Tuesday, February 17, 2004, shall be set aside pending the determination of the merits of the appeal by Boone County Utilities, LLC, by the full Commission.


IT IS SO ORDERED.



William D. McCarty, Chairman

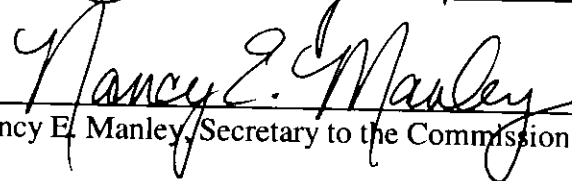


Judith G. Ripley, Administrative Law Judge



Thomas Cobb, Administrative Law Judge

Date: February 16, 2004



Nancy E. Manley, Secretary to the Commission